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10/825,571	04/15/2004	Gerd Scheying	10191/3751	8673
26646 7590 02/18/2010 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER OLSEN, KAJ K				
ART UNIT		PAPER NUMBER		
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02/18/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/1/2010 have been fully considered but they are not persuasive. Applicant urges that the circuitry of Tsukada is a voltage follower and that the actual evaluation circuitry in Tsukada is located at an external location. This is unpersuasive for a couple of reasons. First, it is not clear from the applicant's specification what evaluation is must occur at the applicant's evaluation circuitry to meet applicant's broadly defined evaluation circuitry. In particular, p. 9, ll. 25-32 state that the evaluation circuitry can consist of as little as resistors, capacitors, or the like that the signal from this evaluation circuitry is transmitted to an appropriate control unit. This would appear to be largely analogous to the situation in Tsukada where the measured signal is processed by the circuitry adjacent to the sensor electrodes and transmitted to an external control unit (col. 5, ll. 8-12). Moreover, on p. 10, ll. 7-13 the specification additionally states that the presence of the evaluation circuit adjacent the electrodes allows the voltage drop across the electrodes to approach zero. This function of the circuitry here is largely analogous to Tsukada where the signal is suitably amplified at the source to allow the potentiometric responses to suitably transmitted. There is nothing in the specification or claims that states that this evaluation must take particular forms. Absent an explicit recitation of an evaluation function that is not provided by the circuitry of Tsukada, this argument that Tsukada does not provide an evaluation circuit is unpersuasive. Second, applicant's arguments concerning Tsukada ignore that the rejection of the claim is based primarily on Horie '137 and Horie '596 and Horie '596 already established that the signal processing circuit for the oil sensor could be located near the actual sensor itself (par. 0174). As paragraph 3 from the 11/2/2009

office action makes clear, the examiner is primarily relying on Tsukada for its teaching that the circuitry for a sensor can be placed on the same substrate as the electrodes. Note that Tsukada is only introduced in the office action when the subject of the actual location of the circuitry needs to be addressed. Hence, the examiner was not urging that one utilize the circuitry of Tsukada for the sensor of Horie '137 and Horie '596, but rather that Tsukada teaches that one could *relocate* the already specified circuitry of Horie '596 to the same substrate as the electrodes.

2. Applicant's arguments about the remaining rejections appear to rely on the perceived failing of the earlier Horie '137, Horie '596, and Tsukada rejections. Because those earlier arguments were unpersuasive above, these further arguments are similarly unpersuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAJ K. OLSEN whose telephone number is (571)272-1344. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaj K Olsen/
Primary Examiner, Art Unit 1795

February 11, 2010